

CLOSED,TYPE-I

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-00175-BAH**

CENTER FOR BIOLOGICAL DIVERSITY, INC. v. U.S.
ENVIRONMENTAL PROTECTION AGENCY
Assigned to: Chief Judge Beryl A. Howell
Cause: 05:552 Freedom of Information Act

Date Filed: 02/03/2016
Date Terminated: 09/18/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

**CENTER FOR BIOLOGICAL
DIVERSITY, INC.**

represented by **Margaret E. Townsend**
CENTER FOR BIOLOGICAL
DIVERSITY
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Portland, OR 97211
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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TERMINATED: 11/04/2016
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Amy R. Atwood
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V.

Defendant

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

represented by **Jeremy S. Simon**
U.S. ATTORNEY'S OFFICE FOR THE
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555 Fourth Street, NW
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| Date Filed | # | Docket Text |
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| 02/03/2016 | <u>1</u> | COMPLAINT against U.S. ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-4399430) filed by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons U.S. Environmental Protection Agency Summons, # <u>3</u> Summons U.S. Attorney Summons, # <u>4</u> Summons U.S. Attorney General Summons)(Atwood, Amy) (Entered: 02/03/2016) |
| 02/03/2016 | <u>2</u> | Corporate Disclosure Statement by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Atwood, Amy) (Entered: 02/03/2016) |
| 02/03/2016 | | Case Assigned to Judge Beryl A. Howell. (sth) (Entered: 02/03/2016) |
| 02/03/2016 | <u>3</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Margaret E. Townsend, :Firm- Center for Biological Diversity, :Address- P.O. Box 11374, Portland, OR 97211. Phone No. - (971) 717-6409. Filing fee \$ 100, receipt number 0090-4399607. Fee Status: Fee Paid. by CENTER FOR BIOLOGICAL DIVERSITY, INC. (Attachments: # <u>1</u> Declaration Declaration of Margaret Townsend, # <u>2</u> Text of Proposed Order)(Atwood, Amy) (Entered: 02/03/2016) |
| 02/03/2016 | <u>4</u> | SUMMONS (3) Issued Electronically as to U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(sth) (Entered: 02/03/2016) |
| 02/03/2016 | <u>5</u> | STANDING ORDER. Signed by Judge Beryl A. Howell on February 3, 2016. (lcbah2) (Entered: 02/03/2016) |
| 02/04/2016 | | MINUTE ORDER (paperless) GRANTING the plaintiff's <u>3</u> Motion for Admission of Attorney <i>Pro Hac Vice</i> . Ms. Margaret E. Townsend, Esq., may enter an appearance <i>pro hac vice</i> for the purpose of representing the plaintiff in this action. Signed by Judge Beryl A. Howell on February 4, 2016. (lcbah2) (Entered: 02/04/2016) |
| 03/17/2016 | <u>6</u> | AFFIDAVIT of mailing re <u>1</u> Complaint, <i>Affidavit of Service</i> by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Attachments: # <u>1</u> Certified Mail Receipts)(Townsend, Margaret) Modified on 3/18/2016 (zrdj). (Entered: 03/17/2016) |
| 04/13/2016 | <u>7</u> | NOTICE of Appearance by Jeremy S. Simon on behalf of U.S. ENVIRONMENTAL PROTECTION AGENCY (Simon, Jeremy) (Entered: 04/13/2016) |
| 04/14/2016 | <u>8</u> | Unopposed MOTION for Extension of Time to <i>Answer or Otherwise Respond to Complaint</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 04/14/2016) |
| 04/14/2016 | | MINUTE ORDER (paperless) GRANTING the defendant's <u>8</u> Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Complaint. The defendant shall, by May 16, 2016, answer or otherwise respond to the <u>1</u> Complaint. Signed by Chief Judge Beryl A. Howell on April 14, 2016. (lcbah2) (Entered: 04/14/2016) |
| 04/15/2016 | | Set/Reset Deadlines: Answer to the Complaint due by 5/16/2016. (tg) (Entered: 04/15/2016) |
| 04/18/2016 | <u>9</u> | NOTICE of Appearance by Tanya Sanerib on behalf of CENTER FOR BIOLOGICAL DIVERSITY, INC. (Sanerib, Tanya) (Entered: 04/18/2016) |
| 05/16/2016 | <u>10</u> | ANSWER to Complaint by U.S. ENVIRONMENTAL PROTECTION AGENCY.(Simon, Jeremy) (Entered: 05/16/2016) |
| 05/27/2016 | <u>11</u> | Consent MOTION for Extension of Time to <i>File Initial Status Report</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 05/27/2016) |
| 05/31/2016 | | MINUTE ORDER (paperless) GRANTING the defendant's <u>11</u> Consent Motion for Extension of Time for the Parties to File Initial Status Report, and DIRECTING the parties to file, by June 6, 2016, a joint status report, as required by paragraph 3(b)(ii) of the <u>5</u> Standing Order. Signed by Chief Judge Beryl A. Howell on May 31, 2016. (lcbah2) (Entered: 05/31/2016) |
| 05/31/2016 | | Set/Reset Deadlines: Joint Status Report due by 6/6/2016. (tg) (Entered: 05/31/2016) |
| 06/06/2016 | <u>12</u> | Joint STATUS REPORT <i>and Proposed Schedule</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 06/06/2016) |

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| 06/06/2016 | | MINUTE ORDER (paperless) ISSUING the following SCHEDULING ORDER to control the timing of proceedings in this matter, upon consideration of the parties' <u>12</u> Status Report and Proposed Schedule: The defendant shall, by October 21, 2016, file any motion for summary judgment, along with supporting materials documenting the defendant's basis for any withholdings. The plaintiff shall, by November 21, 2016, file any opposition to the defendant's motion, as well as any cross-motion for summary judgment. The defendant shall, by December 21, 2016, file any reply in support of its motion for summary judgment, as well as any opposition to any cross-motion for summary judgment. The plaintiff shall, by January 23, 2017, file any reply in support of any cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on June 6, 2016. (lcbah2) (Entered: 06/06/2016) |
| 06/08/2016 | | Set/Reset Deadlines: Summary Judgment motion due by 10/21/2016; Cross-Motion/Opposition to Motion for Summary Judgment due by 11/21/2016; Opposition to Cross-Motion/Reply to Opposition to Motion for Summary Judgment due by 12/21/2016; Reply to Opposition to Cross Motion due by 1/23/2017. (tg) (Entered: 06/08/2016) |
| 10/17/2016 | <u>13</u> | Joint MOTION for Extension of Time to <i>File And Brief Summary Judgment Motions</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 10/17/2016) |
| 10/20/2016 | | MINUTE ORDER (paperless) GRANTING the parties' <u>13</u> Joint Motion for Extension of Summary Judgment Briefing Deadlines. Accordingly, the Court amends the SCHEDULING ORDER as follows: The defendant shall, by November 21, 2016, file any motion for summary judgment, along with supporting materials documenting the defendant's basis for any withholdings. The plaintiff shall, by December 21, 2016, file any opposition to the defendant's motion, as well as any cross-motion for summary judgment. The defendant shall, by January 23, 2017, file any reply in support of its motion for summary judgment, as well as any opposition to any cross-motion for summary judgment. The plaintiff shall, by February 21, 2017, file any reply in support of any cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on October 20, 2016. (lcbah2) (Entered: 10/20/2016) |
| 10/20/2016 | | Set/Reset Deadlines: Summary Judgment motion and supporting materials documenting the defendant's basis for any withholdings due by 11/21/2016; Cross-Motion and Opposition to Motion for Summary Judgment due by 12/21/2016; Opposition to Cross-Motion and Reply to Opposition to Motion for Summary Judgment due by 1/23/2017; Reply to Opposition to Cross Motion due by 2/21/2017. (tg) (Entered: 10/20/2016) |
| 11/04/2016 | <u>14</u> | NOTICE OF WITHDRAWAL OF APPEARANCE as to CENTER FOR BIOLOGICAL DIVERSITY, INC.. Attorney Tanya Sanerib terminated. (Sanerib, Tanya) (Entered: 11/04/2016) |
| 11/17/2016 | <u>15</u> | Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment and to Adjust Related Briefing Deadline</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 11/17/2016) |
| 11/18/2016 | | MINUTE ORDER (paperless) GRANTING the defendant's <u>15</u> Consent Motion for Extension of Summary Judgment Briefing Deadlines. Accordingly, the Court amends the SCHEDULING ORDER as follows: The defendant shall, by November 23, 2016, file any motion for summary judgment, along with supporting materials documenting the defendant's basis for any withholdings. The plaintiff shall, by December 23, 2016, file any opposition to the defendant's motion, as well as any cross-motion for summary judgment. The defendant shall, by January 23, 2017, file any reply in support of its motion for summary judgment, as well as any opposition to any cross-motion for summary judgment. The plaintiff shall, by February 21, 2017, file any reply in support of any cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on November 18, 2016. (lcbah2) (Entered: 11/18/2016) |
| 11/18/2016 | | Set/Reset Deadlines: Summary Judgment motion due by 11/23/2016; Cross-Motion/Opposition to Motion for Summary Judgment due by 12/23/2016; Opposition to Cross-Motion/Reply to Opposition to Motion for Summary Judgment due by 1/23/2017; Reply to Opposition to Cross Motion due by 2/21/2017. (tg) (Entered: 11/18/2016) |

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| 11/23/2016 | <u>16</u> | MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Accompanying Memorandum</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration of Earl G. Ingram, Jr.)(Simon, Jeremy) (Entered: 11/23/2016) |
| 12/23/2016 | <u>17</u> | Cross MOTION for Summary Judgment by CENTER FOR BIOLOGICAL DIVERSITY, INC. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration Brett Hartl, # <u>3</u> Declaration Stephanie M. Parent, # <u>4</u> Declaration Margaret E. Townsend, # <u>5</u> A, # <u>6</u> B, # <u>7</u> C, # <u>8</u> D, # <u>9</u> E, # <u>10</u> F, # <u>11</u> G, # <u>12</u> H, # <u>13</u> I, # <u>14</u> J, # <u>15</u> K, # <u>16</u> L, # <u>17</u> M, # <u>18</u> N, # <u>19</u> O, # <u>20</u> P, # <u>21</u> Q, # <u>22</u> R, # <u>23</u> S, # <u>24</u> T, # <u>25</u> U, # <u>26</u> V, # <u>27</u> W, # <u>28</u> X, # <u>29</u> Y, # <u>30</u> Z, # <u>31</u> AA, # <u>32</u> BB, # <u>33</u> CC, # <u>34</u> DD, # <u>35</u> EE, # <u>36</u> FF)(Townsend, Margaret) . (Entered: 12/23/2016) |
| 12/23/2016 | <u>18</u> | Memorandum in opposition to re <u>16</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Accompanying Memorandum</i> filed by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Plaintiff's Response to Defendant's Statement of Facts)(Townsend, Margaret) (Entered: 12/23/2016) |
| 01/18/2017 | <u>19</u> | Consent MOTION for Extension of Time to <i>File Combined Reply and Opposition and to Adjust Remaining Deadline in Briefing Schedule</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 01/18/2017) |
| 01/23/2017 | | MINUTE ORDER (paperless) GRANTING the defendant's <u>19</u> Consent Motion for Extension of Time for Defendant to File Combined Reply and Opposition and to Adjust Remaining Deadlines in Briefing Schedule. Accordingly, the Court amends the SCHEDULING ORDER as follows: The defendant shall, by February 14, 2017, file any reply in support of its motion for summary judgment, as well as any opposition to any cross-motion for summary judgment. The plaintiff shall, by April 7, 2017, file any reply in support of any cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on January 23, 2017. (lcbah2) (Entered: 01/23/2017) |
| 01/23/2017 | | Set/Reset Deadlines: Opposition to Cross Motion/Reply to Opposition to Motion for Summary Judgment due by 2/14/2017; Reply to Opposition to Cross Motion due by 4/7/2017. (tg) (Entered: 01/23/2017) |
| 02/09/2017 | <u>20</u> | MOTION for Extension of Time to <i>File Combined Opposition to Cross Motion and Reply in Support of Motion for Summary Judgment</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 02/09/2017) |
| 02/09/2017 | <u>21</u> | RESPONSE re <u>20</u> MOTION for Extension of Time to <i>File Combined Opposition to Cross Motion and Reply in Support of Motion for Summary Judgment</i> filed by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Attachments: # <u>1</u> Attachment A)(Atwood, Amy) (Entered: 02/09/2017) |
| 02/10/2017 | | MINUTE ORDER (paperless) GRANTING the defendant's <u>20</u> Motion for Extension of Time for Defendant to File Combined Reply and Opposition, over the plaintiff's objection, in light of the good cause shown by the defendant for the requested extension. Accordingly, the Court amends the SCHEDULING ORDER as follows: The defendant shall, by February 23, 2017, file any reply in support of its motion for summary judgment, as well as any opposition to any cross-motion for summary judgment. The plaintiff shall, by April 7, 2017, file any reply in support of any cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on February 10, 2017. (lcbah2) (Entered: 02/10/2017) |
| 02/10/2017 | | Set/Reset Deadlines: Defendant's Opposition to Cross Motion/Reply to Opposition to Motion for Summary Judgment due by 2/23/2017; Plaintiff's Reply to Opposition to Cross Motion due by 4/7/2017. (tg) (Entered: 02/10/2017) |
| 02/23/2017 | <u>22</u> | Memorandum in opposition to re <u>17</u> MOTION for Summary Judgment <i>and Response to Plaintiff's Local Rule 7(h) Statement</i> filed by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Supplemental Declaration of Earl Ingram, # <u>2</u> Proposed Order)(Simon, Jeremy) (Entered: 02/23/2017) |
| 02/23/2017 | <u>23</u> | REPLY to opposition to motion re <u>16</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Accompanying Memorandum (duplicate to Docket Entry 22)</i> filed |

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| | | by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Supplemental Declaration of Earl Ingram, # <u>2</u> Proposed Order)(Simon, Jeremy) (Entered: 02/23/2017) |
| 04/05/2017 | <u>24</u> | REPLY to opposition to motion re <u>17</u> MOTION for Summary Judgment filed by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 04/05/2017) |
| 09/28/2017 | <u>25</u> | ORDER GRANTING in part and DENYING in part the defendant's <u>16</u> Motion for Summary Judgment, and GRANTING in part and DENYING in part the plaintiff's <u>17</u> Cross-Motion for Summary Judgment. Signed by Chief Judge Beryl A. Howell on September 28, 2017. (lcbah4) (Entered: 09/28/2017) |
| 09/28/2017 | <u>26</u> | MEMORANDUM OPINION regarding the defendant's <u>16</u> Motion for Summary Judgment and the plaintiff's <u>17</u> Cross-Motion for Summary Judgment. Signed by Chief Judge Beryl A. Howell on September 28, 2017. (lcbah4) (Entered: 09/28/2017) |
| 10/18/2017 | <u>27</u> | MOTION for Extension of Time to <i>Comply with the Court's Order of September 28, 2017 and for Reconsideration in Part</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Supplemental Ingram Declaration)(Simon, Jeremy) (Entered: 10/18/2017) |
| 10/19/2017 | <u>28</u> | RESPONSE re <u>27</u> MOTION for Extension of Time to <i>Comply with the Court's Order of September 28, 2017 and for Reconsideration in Part</i> filed by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Attachments: # <u>1</u> Exhibit Exhibit 1 – Excerpts of Email Chain)(Townsend, Margaret) (Entered: 10/19/2017) |
| 10/19/2017 | <u>29</u> | MOTION to Amend/Correct <i>Deadlines</i> by CENTER FOR BIOLOGICAL DIVERSITY, INC. (Attachments: # <u>1</u> Exhibit Exhibit 1 – Excerpts of Email Chain, # <u>2</u> Text of Proposed Order)(Townsend, Margaret) (Entered: 10/19/2017) |
| 10/23/2017 | <u>30</u> | ORDER GRANTING in part and DENYING in part the government's <u>27</u> Motion for Extension of Time for Defendant to Comply with the Court's September 28, 2017, Order and for Reconsideration in Part and GRANTING in part and DENYING in part the plaintiff's <u>29</u> Motion to Amend Deadlines. See order for further details. Signed by Chief Judge Beryl A. Howell on October 23, 2017. (lcbah4) (Entered: 10/23/2017) |
| 10/23/2017 | | Set/Reset Deadlines: Vaughn Index due by 12/4/2017; all nonexempt records subject to FOIA due by 3/1/2018. (tg) (Entered: 10/23/2017) |
| 12/04/2017 | <u>31</u> | MOTION for Extension of Time to <i>Produce Vaughn Index</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 12/04/2017) |
| 12/04/2017 | | MINUTE ORDER (paperless) GRANTING the defendant's <u>31</u> Motion for Extension of Time for Defendant to Produce <i>Vaughn Index</i> . Accordingly, the defendant shall, by December 7, 2017, produce the <i>Vaughn Index</i> . Signed by Chief Judge Beryl A. Howell on December 4, 2017. (lcbah2) (Entered: 12/04/2017) |
| 12/05/2017 | | Set/Reset Deadlines: Defendant's Vaughn Index due by 12/7/2017. (tg) (Entered: 12/05/2017) |
| 12/21/2017 | <u>32</u> | Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Atwood, Amy) (Entered: 12/21/2017) |
| 12/21/2017 | <u>33</u> | <i>Exhibit A (Vaughn Index (Dec. 7, 2017)</i> re <u>32</u> Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC. (Atwood, Amy) Modified on 12/22/2017 (zrdj). (Entered: 12/21/2017) |
| 01/05/2018 | <u>34</u> | ORDER DENYING, upon consideration of the parties' <u>32</u> Joint Status Report, plaintiff's requests for two briefing schedules and a status hearing, and DIRECTING defendant to provide, by January 18, 2018, information regarding the December 4, 2017 released documents. <i>See</i> Order for further details. Signed by Chief Judge Beryl A. Howell on January 5, 2018. (lcbah2) (Entered: 01/05/2018) |
| 01/08/2018 | | Set/Reset Deadlines: Defendant's response to Order of the Court due by 1/18/2018. (tg) (Entered: 01/08/2018) |

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| 03/15/2018 | <u>35</u> | Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 03/15/2018) |
| 03/15/2018 | | MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>35</u> Joint Status Report, the following SCHEDULING ORDER to control the timing of proceedings in this matter: (1) the defendant shall file, by May 17, 2018, any motion for summary judgment; (2) the plaintiff shall file, by June 18, 2018, any consolidated opposition to the defendant's motion for summary judgment and cross-motion for summary judgment; (3) the defendant shall file, by July 17, 2018, any consolidated opposition to the plaintiff's cross-motion for summary judgment and reply in support of its motion for summary judgment; and (4) the plaintiff shall file, by August 7, 2018, any reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on March 15, 2018. (lcbah2) (Entered: 03/15/2018) |
| 03/16/2018 | | Set/Reset Deadlines: Summary Judgment motion due by 5/17/2018; Cross-Motion and Opposition to Motion for Summary Judgment due by 6/18/2018; Opposition to Cross-Motion and Reply to Opposition to Motion for Summary Judgment due by 7/17/2018; Reply to Opposition to Cross Motion due by 8/7/2018. (tg) (Entered: 03/16/2018) |
| 05/11/2018 | <u>36</u> | Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment and for Adjustment of Related Deadlines</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 05/11/2018) |
| 05/11/2018 | | MINUTE ORDER (paperless) GRANTING the defendant's <u>36</u> Consent Motion for Extension of Time for Defendant to File Its Motion for Summary Judgment and for Adjustment of Related Deadlines, and ISSUING the following SCHEDULING ORDER to control further proceedings in this case: (1) the defendant shall file, by June 6, 2018, any motion for summary judgment; (2) the plaintiff shall file, by July 16, 2018, any consolidated opposition to the defendant's motion for summary judgment and cross-motion for summary judgment; (3) the defendant shall file, by August 16, 2018, any consolidated opposition to the plaintiff's cross-motion for summary judgment and reply in support of its motion for summary judgment; and (4) the plaintiff shall file, by September 17, 2018, any reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on May 11, 2018. (lcbah2) (Entered: 05/11/2018) |
| 05/14/2018 | | Set/Reset Deadlines: Summary Judgment motion due by 6/6/2018; Cross-Motion and Opposition to Motion for Summary Judgment due by 7/16/2018; Opposition to Cross-Motion and Reply to Opposition to Motion for Summary Judgment due by 8/16/2018; Reply to Opposition to Cross Motion due by 9/17/2018. (tg) (Entered: 05/14/2018) |
| 06/06/2018 | <u>37</u> | MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Third Supplemental Declaration of Earl Ingram, Jr. and Vaughn Index, # <u>3</u> Declaration of Sujatha Sankula)(Simon, Jeremy) (Entered: 06/06/2018) |
| 07/16/2018 | <u>38</u> | MOTION for Summary Judgment <i>Renewed</i> by CENTER FOR BIOLOGICAL DIVERSITY, INC. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Text of Proposed Order, # <u>3</u> Declaration Stephanie Parent, # <u>4</u> Declaration Margaret Townsend, # <u>5</u> Exhibit 1, # <u>6</u> Exhibit 2, # <u>7</u> Exhibit 3, # <u>8</u> Exhibit 4, # <u>9</u> Exhibit 5, # <u>10</u> Exhibit 6, # <u>11</u> Exhibit 7, # <u>12</u> Exhibit 8, # <u>13</u> Exhibit 9, # <u>14</u> Exhibit 10, # <u>15</u> Exhibit 11, # <u>16</u> Exhibit 12)(Townsend, Margaret) (Entered: 07/16/2018) |
| 07/16/2018 | <u>39</u> | Memorandum in opposition to re <u>37</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum</i> filed by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 07/16/2018) |
| 08/09/2018 | <u>40</u> | MOTION for Extension of Time to <i>File Combined Reply in Support of Motion for Summary Judgment and Opposition to Plaintiff's Cross Motion</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 08/09/2018) |
| 08/10/2018 | | MINUTE ORDER (paperless) GRANTING the defendant's <u>40</u> Motion for Extension of Time for Defendant to File its Combined Reply and Opposition to Cross-Motion, which the plaintiff does not oppose. Accordingly, the Court amends the |

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| | | SCHEDULING ORDER as follows: (1) the defendant shall file, by September 5, 2018, any consolidated opposition to the plaintiff's cross-motion for summary judgment and reply in support of its motion for summary judgment; and (2) the plaintiff shall file, by October 4, 2018, any reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on August 10, 2018. (lcbah2) (Entered: 08/10/2018) |
| 08/13/2018 | | Set/Reset Deadlines: Defendant's consolidated opposition to plaintiff's cross-motion for summary judgment and reply in support of its motion for summary judgment due by 9/5/2018; plaintiff's reply to opposition to cross-motion due by 10/4/2018. (tg) (Entered: 08/13/2018) |
| 09/05/2018 | <u>41</u> | Memorandum in opposition to re <u>38</u> MOTION for Summary Judgment <i>Renewed</i> filed by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Response to Plaintiff's Local Rule 7(h) Statement, # <u>2</u> Proposed Order, # <u>3</u> Fourth Supplemental Ingram Declaration, # <u>4</u> Supplemental Sankula Declaration)(Simon, Jeremy) (Entered: 09/05/2018) |
| 09/05/2018 | <u>42</u> | REPLY to opposition to motion re <u>37</u> MOTION for Summary Judgment , <i>Local Rule 7(h) Statement and Supporting Memorandum (duplicate of Docket Entry No. 41)</i> filed by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Response to Plaintiff's Local Rule 7(h) Statement, # <u>2</u> Proposed Order, # <u>3</u> Fourth Supplemental Ingram Declaration, # <u>4</u> Supplemental Sankula Declaration)(Simon, Jeremy) (Entered: 09/05/2018) |
| 10/03/2018 | <u>43</u> | ENTERED IN ERROR.....Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC. (Townsend, Margaret) Modified on 10/4/2018 (zrdj). (Entered: 10/03/2018) |
| 10/04/2018 | | NOTICE OF CORRECTED DOCKET ENTRY: re <u>43</u> Status Report was entered in error (Wrong case number)and counsel is instructed to refile said pleading with correct case number if appropriate. (zrdj) (Entered: 10/04/2018) |
| 10/04/2018 | <u>44</u> | REPLY to opposition to motion re <u>38</u> MOTION for Summary Judgment <i>Renewed</i> filed by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 10/04/2018) |
| 12/10/2018 | | MINUTE ORDER (paperless) DIRECTING, upon consideration of the defendant EPA's <u>37</u> Motion for Summary Judgment; the plaintiff's <u>38</u> Cross-Motion for Summary Judgment; and, in particular, the plaintiff's request "that the Court conduct in camera review of the records," <i>see</i> <u>38</u> Mem. Supp. Cross-Mot. Summ. J. ("Pl.'s Mem.") at 15 n.4, that the defendant EPA submit <i>ex parte</i> , by December 12, 2018, at 12:00 PM, unredacted copies of the 79 records remaining in dispute, as identified in the Pl.'s Mem. at 8 n.3, which the defendant is withholding under the deliberative process privilege encompassed by Exception 5 of the Freedom of Information Act. Signed by Chief Judge Beryl A. Howell on December 10, 2018. (lcbah2) (Entered: 12/10/2018) |
| 12/10/2018 | | Set/Reset Deadlines: EPA's ex parte submission of unredacted copies of the 79 records remaining in dispute due by 12:00 PM on 12/12/2018. (tg) (Entered: 12/10/2018) |
| 12/13/2018 | <u>45</u> | NOTICE of Compliance with Court Order for In Camera Submission by U.S. ENVIRONMENTAL PROTECTION AGENCY re Order,,, (Simon, Jeremy) (Entered: 12/13/2018) |
| 03/27/2019 | <u>46</u> | ORDER GRANTING in part and DENYING in part the defendant's <u>37</u> Renewed Motion for Summary Judgment, and GRANTING in part and DENYING in part the plaintiff's <u>38</u> Renewed Cross-Motion for Summary Judgment. Signed by Chief Judge Beryl A. Howell on March 27, 2019. (lcbah3) (Entered: 03/27/2019) |
| 03/27/2019 | <u>47</u> | MEMORANDUM OPINION regarding the defendant's <u>37</u> Renewed Motion for Summary Judgment and the plaintiff's <u>38</u> Renewed Cross-Motion for Summary Judgment. Signed by Chief Judge Beryl A. Howell on March 27, 2019. (lcbah3) (Entered: 03/27/2019) |
| 03/27/2019 | | Set/Reset Deadlines: Final Joint Status Report due by 4/19/2019. (tg) (Entered: 03/27/2019) |

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| 04/12/2019 | <u>48</u> | Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 04/12/2019) |
| 09/05/2019 | | MINUTE ORDER (paperless) DIRECTING the parties, in light of their <u>48</u> Joint Status Report stating that the parties are conferring over attorneys' fees and costs, to file, by September 13, 2019, an update on the issue of attorneys' fees and costs, including, if the issue has not been resolved, a proposed schedule for further briefing on the matter, and, if the issue has been resolved, an explanation of any reasons why this case should not be closed. Signed by Chief Judge Beryl A. Howell on September 5, 2019. (lcbah2) (Entered: 09/05/2019) |
| 09/06/2019 | | Set/Reset Deadlines: Response to Order of the Court due by 9/13/2019. (tg) (Entered: 09/06/2019) |
| 09/13/2019 | <u>49</u> | Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 09/13/2019) |
| 09/17/2019 | <u>50</u> | ORDER ENTERING summary judgment for defendant. The Clerk is directed to close this case. See Order for further details. Signed by Chief Judge Beryl A. Howell on September 17, 2019. (lcbah2) (Entered: 09/17/2019) |
| 09/18/2019 | | Set/Reset Deadlines: Plaintiff's motion for attorneys' fees and costs, if any, due by 11/18/2019; defendant's opposition, if any, due by 12/18/2019; plaintiff's reply due by 1/2/2020. (tg) (Entered: 09/18/2019) |